



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 25, 2002

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

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Assistant Attorney General

*Carl P. Thorsen / DAA 6
for DJB*

SUBJECT:

Weekly Report for February 25 - March 8, 2002

THE WEEK AHEAD

- **Office of Justice Programs:** The House Judiciary Committee Crime Subcommittee will hold a hearing on March 5, on duplicative programs within the Office of Justice Programs. Assistant Attorney General Deborah Daniels will testify. (Bernhardt)
- **Office of Victims of Crime:** The Senate Judiciary Committee will hold an oversight hearing on March 5, on the Office of Victims of Crime (OVC), examining how changes made to VOCA by the USA PATRIOT Act are being implemented, how OVC is helping victims of international crime, and whether the cap on the victim's fund impedes its purpose. The State Department and DOJ have been invited to testify. (Bernhardt)
- **Nominations:** The Senate Judiciary Committee has scheduled a nominations hearing for March 5 with Senator Biden chairing. We anticipate that the nomination of Robert Flores, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention, will be on that hearing. (Scott-Finan)
- **FBI FY 03 Budget:** On March 6, FBI Director Mueller will testify before the House CJS Appropriations Subcommittee on the President's request for funds for the FBI. (Coughlin)
- **Trafficking In Persons:** On March 7, the Senate Subcommittee on Near Eastern and South Asian Affairs will hold a hearing on implementation of the Trafficking Victims Protection Act of 2000. A Department of Justice witness has not been identified yet. The State Department and Health and Human Services will testify as well. (D. Burton)
- **INS FY 03 Budget:** On March 7, Commissioner Ziglar will testify before the Senate CJS Appropriations Subcommittee on the President's request for funds for the INS. (D. Burton)

THIS WEEK

- **FY 03 Appropriation Hearings:** The Attorney General will testify on the Department of

Justice FY 03 budget request before the Senate and House Commerce, Justice, State and the Judiciary Appropriations Subcommittees on February 26 and February 28, respectively. (Daley)

- **Nominations:** On February 26, the Senate Judiciary Committee will hold a hearing on the following judicial nominations, with Senator Feingold chairing the hearing: D. Brooks Smith, to be a United States Circuit Judge for the Third Circuit Court of Appeals; David C. Bury, to be a United States District Judge for the District of Arizona; Randy Crane, to be a United States District Judge for the Southern District of Texas; and Ralph R. Beisline, to be a United States District Judge for the District of Alaska.

On February 14, the Senate confirmed the nominations of James E. Gritzner, to be a United States District Judge for the Southern District of Iowa; David L. Bunning, to be a United States District Judge for the Eastern District of Kentucky; and Richard Leon, to be a United States District Judge for the District of Columbia, by unanimous consent and set roll call votes on the nominations of Robert Blackburn, to be a United States District Judge for the District of Colorado, and Cindy K. Jorgenson, to be a United States District Judge for the District of Arizona, for February 26. (Scott-Finan)

- **Prosecutorial Deliberations:** On February 25, Assistant Attorney General Michael Chertoff met with staff of the House Government Reform Committee about the deliberative prosecutorial documents relating to the FBI's handling of informants in Boston, which were subject to the President's claim of executive privilege in December, 2001. Once Mr. Chertoff described the ten Boston documents, Committee staff agreed that several are unresponsive to the Committee's interests while they articulated particular needs for at least portions of other documents. We will consult with the White House and advise the Committee further about possible arrangements to permit them to review portions of the relevant memoranda. (F. Burton)
- **The Cyber Security Act of 2001 (H.R. 3482):** On February 26, the House Judiciary Subcommittee on Crime will markup H.R. 3482, which provides direction to the Sentencing Commission, criminalizes Internet advertising of illegal devices, specifies penalties for computer infrastructure crimes and authorizes the National Infrastructure Protection Center. The Department supports those provisions in Title I, but strongly objects to Title II, which would move the Office of Science and Technology from the National Institute of Justice to its own office within the Office of Justice Programs. (Daley)
- **Espionage:** A classified briefing for cleared Senate Judiciary Committee staff on the Hansen case is scheduled for February 27. This is in follow up to an open briefing held for all committee staff a few weeks ago. A classified briefing for House Intelligence Committee staff on the recent superseding indictment in the Regan case is scheduled for February 28; a similar briefing for Senate Intelligence Committee staff took place on February 21. (Walter)
- **Two Strikes for Child Sex Offenders:** On February 27, the House Judiciary Committee is expected to mark up H.R. 2146, which would provide for mandatory life imprisonment for repeat child sex offenders. The Department had provided informal guidance to the Committee on this bill, and we expect our recommendations to be adopted. (Owen)

- **Juvenile Aliens Legislation (S. 121):** On February 28, the Senate Immigration Subcommittee will hold a hearing on S. 121, the Unaccompanied Alien Child Protection Act, introduced by Senator Feinstein. Stuart Anderson, Executive Associate Commissioner for Policy and Planning, will testify for the INS and Chief Immigration Judge Creppy will testify for the Executive Office for Immigration Review. (D. Burton)
- **Visa Waiver Program:** On February 28 the House Immigration Subcommittee will hold an oversight hearing on the Visa Waiver program. Michael Becraft, Deputy Commissioner, will testify for the INS. (D. Burton)
- **PENTTBOM/Counter Terrorism:** The Senate and House Intelligence Committee chairs and ranking members sent a joint letter to you on February 21 announcing their appointment of former CIA Inspector General Britt Snider as staff director for their joint investigation into the events of September 11. The letter also requests that you direct all Department components to cooperate in the investigation and that no records or other materials related to this matter be destroyed; a response and a memo to all components are being drafted. We anticipate that the investigation will get underway in the next few weeks. In addition, House Intelligence has scheduled a full committee hearing on FBI counter terrorism matters for February 28 and a budget hearing on the FY 2002 counter terrorism supplemental for March 5. (Walter)